IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE EIGHTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and
THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION NO : 3497 of 2004

Between:

Mr.K.Ramaiah, S/o.Chenchaiah

Aged 36 years, Attender,

JFMC for Railways, Nellore,

R/o.27-11/81, 19th Cross Road,
Balaji Nagar, Nellore 36 .

..... PETITIONER

AND

1 The Director of Medical Education, A.P., Hyderabad.
2 The Registrar(Admn) High Court of A.P., Hyderabad.
3 The District Judge, Nellore District.

.....RESPONDENTS.

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the proceedings in L.Dis.No.20415/MAE/2002, dt.11.11.2002 issued by the 1st respondent as illegal, arbitrary and unconstitutional and consequently to direct the respondents to accord sanction orders for the reimbursement of the medical expenses incurred by the petitioner as per G.O.Ms.No.175, HM&FW (K1),

Dept.29.5.1997 and pass such other order or orders.

ounsel for the Petitioner: MR.V.SUCBRAHMANYAM

Counsel for the Respondents 2 & 3: SMT.M.BHASKARA LAKSHMI (SC FOR APHC)

Counsel for Respondent No.1. : G.P. for Medical & Health.

The Court at the stage of admission made the Following :

ORAL JUDGMENT:

(per The Honourable Sri Devinder Gupta, the Chief Justice)

Despite three opportunities, affidavit-in-reply has not been filed by the respondents. Therefore, we proceed to dispose of the Writ Petition in the absence of any counter from the respondents.

The petitioner is working as Attender in the Court of Judicial First Class Magistrate for Railways, Nellore. He is questioning the proceedings dated: 11.11.2002 rejecting his claim for medical reimbursement on the ground that he obtained treatment for his mother in an unrecognized private hospital, which does not come under the purview of referral hospitals.

Petitioner has alleged that his mother, who is dependent upon him got sever chest pain and breathlessness and in those conditions, she had to be admitted in Anasuya Heart Care Centre, Vijaya Hospital, Pogathota, Nellore, where she underwent medical treatment for CAD, Acute extensive anterior wall MI, as inpatient, from 26.2.2002 to 3.3.2002 under emergent situation and doctor had issued requisite certificate saying that petitioner's mother was admitted in an emergency condition. Bill for Rs.29,872-00 was submitted along with the representation for reimbursement, which was not paid to him on the ground that it was not a recognized hospital. Petitioner has referred to G.O.Ms. No. 175, Health, Medical & Family Welfare (K1) Department, dated: 29.5.1997 which states that, in case, treatment is taken in hospitals other than referred hospitals in emergent situation,

claim would be admissible only to the extent of 80% of the amount claimed i.e. 20% less than the expenditure incurred. Petitioner states that his case is squarely covered by the said G.O., and, in similar circumstances, Writ Petition No. 19856 of 2003 was ordered by this Court on 22.12.2003 and the medical bills were sanctioned on 31.01.2004.

We also proceed to allow this Writ Petition for the same reasons as are recorded in our judgment in Writ Petition No. 19856 of 2003, dated: 22.12.2003, and, direct the first respondent to reconsider the petitioner's case and pass appropriate orders within two weeks from the date of the receipt of a copy of this order. No costs.

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DEVINDER GUPTA, C.J.

8.7.2004.

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G.ROHINI, J.

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To

1.The Director of Medical Education, A.P., Hyderabad.
2.The Registrar(Admn) High Court of A.P., Hyderabad.
3.The District Judge, Nellore District.

4. The Section Officer, Legal Cell, High Court of A.P. Hyderabad.

5. Two CD copies.